IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21334 of 2004

Between:

Ch. Madhusudhan Reddy, S/o. Sri Narsimha Reddy,
R/o. 5-183/3-1, Near Sub Registrar Office, Mancherial, ADILABAD DISTRICT.

..... PETITIONER

AND

1 Northern Power Distribution Company of A.P. Limited,
Corporate Office, Warangal,
Rep. by its Chief General Manager (HRD)
2 The Superintending Engineer (Operation) Circle, Northern
Power Distribution Company of A.P. Limited,
Adilabad.
3 The Divisional Engineer and Enquiry Officer, Northern
Power Distribution Company of A.P. Limited,
Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of MANDAMUS or any other appropriate writ (i) declare the proceedings No.CGM(HRD)/GM(s)/AS(DC)/2102/02-9 dated 25-08-2004 imposing the punishment to reversion to lower post of Assistant Lineman permanently is illegal, arbitrary (ii) declare the proceedings in No. CGM(HRD)/GM(S)/AS(DC)/2102/02-11 dated 1-11-2004 issued by the Chairman and Managing Director of the respondent, rejecting the appeal is violative of principles of natural justice, illegal and arbitrary and (iii) consequently set aside the punishment of reversion of the petitioner to the post of Assistant Lineman permanently

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21334 of 2004

ORDER:

Challenging the proceedings, dated 25-08-2004, issued by the 1st respondent-Chief General Manager 9HRD), Northern Power Distribution Company of Andhra Pradesh Limited, imposing the punishment to reversion to lower post of Assistant Lineman permanently and as confirmed by the appellate authority vide proceedings dated 01-11-2004, the present writ petition has been filed.

2. The only contention raised by the learned counsel for the petitioner is that the punishment as imposed by the 1st respondent-disciplinary authority and as confirmed by the appellate authority is not in accordance with regulations of AP State Electricity Board Employees' Discipline and Appeal Regulations, 1970 (for brevity 'Regulations, 1970) and therefore, it is liable to be set aside.

3. Several pleadings were taken in the writ petition and the same were rebutted in the counter-affidavit filed by the respondents.

4. In view of the fact that the learned counsel for the petitioner raised only one ground that the order under impugned is not accordance with the Regulations, 1970, it is unnecessary to go into the other grounds.

5. It is evident from the record that the 1st respondent-disciplinary authority passed the impugned order with the punishment of "reversion the petitioner to the lower cadre i.e., Assistant Lineman permanently". The said punishment was confirmed by the Chairman and Managing Director-Appellate Authority of the respondent-Board.

6. Regulation 5 of the Regulations, 1970, is applicable to the service conditions of the petitioner, which reads as follows:

Regulation 5: Penalties:

"The following penalties, may, for good and sufficient reasons or for any misconduct specified in regulation 6 and as hereinafter provided, be imposed upon the employees of the Board, namely:

(i) Censure.

(ii) Fine, (to be imposed only in the case of employees in Class-IV service).

Note: The penalty shall be subject to the provisions of the Payment of Wages, Act in respect of those to whom that Act applies.

(iii) Withholding of increments or promotion.

(iv) Reduction to a lower rank in the seniority list or to a lower post or time scale not being lower than that to which he was directly recruited, whether in the same class of service, or in another class of service, or to a lower stage in a time scale.

(v) a) Recovery from pay of an employee of the whole or any part of the pecuniary loss caused to the Board by reason of the negligence, misconduct, or disobedience to lawful orders, of an employee in the discharge of his duties.

b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in time scale ordered where such order cannot be given effect."

7. So, from a mere perusal of the punishment, indicated in the Regulation 5 of the Regulations, 1970, it is clear that the reversion is permissible to the lower post, but it is not permissible permanently. Therefore, the impugned order dated 25-08-2004, is modified and confirmed to the extent that the petitioner shall be awarded with the punishment of 'Reversion to the lower cadre i.e. Asst. Lineman', and the impugned order awarding punishment to the extent of 'permanent reversion' is set aside.

8 . Accordingly, the writ petition is partly allowed to the extent as indicated above. No costs.

March 23, 2005

Kvr

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To

1 The Chief General Manager (HRD), Northern Power Distribution Company of A.P. Limited,
Corporate Office, Warangal,
2 The Superintending Engineer (Operation) Circle, Northern Power Distribution Company of A.P. Limited,
Adilabad.
3 The Divisional Engineer and Enquiry Officer, Northern Power Distribution Company of A.P. Limited,
Warangal, Warangal District.

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